

[Parties and Counsel Listed on Signature Pages]

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE: SOCIAL MEDIA ADOLESCENT
ADDICTION/PERSONAL INJURY PRODUCTS
LIABILITY LITIGATION

This Document Relates To:

ALL ACTIONS

MDL No. 3047

Case No. 4:22-md-03047-YGR (PHK)

**JOINT STATUS REPORT ON
FORENSIC IMAGING AND DEVICE
DATA**

Judge: Hon. Yvonne Gonzalez Rogers

Magistrate Judge: Hon. Peter H. Kang

Pursuant to Discovery Management Orders No. 8 and 9 (“DMO No. 8” and “DMO No. 9”), the Parties jointly provide this status report on forensic imaging and device data of Plaintiffs’ devices (hereinafter “Main Devices”)¹ as well as the Parties’ progress in conferring on certain other topics as directed by the Court.

I. Search Terms & Word Searchable Databases

The Parties agreed to case-specific search terms to be run across Bellwether PI Plaintiffs’ ESI on August 30; however, as anticipated, further discussions are occurring regarding the data sources across which a few terms will be run for two Bellwether PI Plaintiffs. The Parties also continue to discuss the search terms to apply to data sources Plaintiffs have identified for loss of consortium plaintiffs/parents/guardians, which the Parties anticipate resolving by the end of this month. In addition, the JCCP Bellwether PI Plaintiffs have agreed, absent good cause, to the same general search terms as those negotiated for the Bellwether PI Plaintiffs in the MDL.

II. Forensic Imaging

The Parties continue to confer over whether the iPhone 15 that now belongs to B.H.’s father (*see* chart in § VI) qualifies as a Main Device that should undergo FFS imaging. The Parties will present any dispute over this issue to the Court in a timely fashion.

III. Device Identifying Information

As of September 19, 2024, Plaintiffs had provided:

- The serial number or ICCID number for 34 devices;
- The IMEI, MEID, or MAC address 33 devices (all applicable devices);
- The current operating system for 34 devices; and
- A complete list of applications on 34 devices.

Plaintiffs have not yet provided the approximate start and end dates for the device usage; however,

¹ The Parties use the term “Main Devices” to refer to the Court’s definition in DMO 8 of devices from which information will be initially produced: “[A]ll devices (cellphones, tablets, laptops, computers, and the like) which are in each Bellwether PI Plaintiff’s possession, custody, or control and that they have habitually, routinely, or regularly used during the relevant time period to access the Defendants’ platforms.” Order at 8:24–9:25; Hrg. Tr. at 45:19–21.

Plaintiffs have relayed that those dates will be able to be provided once all images have been transferred to the respective ESI vendors, or the Parties may agree that Defendants' forensics vendors are better positioned to obtain that information under Plaintiffs' current proposal for production of filesystem data that the Parties are currently discussing, as set forth further below.

IV. Datasets, Relevant Applications, and Production Format and Logistics

The Parties have reached an agreement on specific interim deadlines for the bellwether personal injury Plaintiffs to substantially complete productions of text-searchable ESI from Plaintiffs' collections, including the full filesystem (FFS) images of Plaintiffs' Main Devices. The below chart reflects the Parties' agreed-to substantial completion deadlines for Plaintiffs' text-searchable ESI. Plaintiffs agree to substantially complete the production of "data files, syslogs, and app settings . . . which are not readily searchable using keywords or search terms," as required by DMO 8, by November 4, 2024.

As of November 7, 2024, Plaintiffs S.K., Craig, B.M., B.H., Smith, Clevenger, Mullen, Melton, J.D., D'Orazio, McNeal, and M.G. have substantially completed production of text searchable ESI from their Main Devices.

Plaintiff	Case No.	Plaintiff's firm	Selection mechanism	Date
S.K.	4:23-cv-01584	Motley Rice	Plaintiff pick	9/30/2024
Craig, Klinten	4:22-cv-05890	Beasley Allen	Defense pick	9/30/2024
B.M.	4:23-cv-01615	Motley Rice	Plaintiff pick	9/30/2024
B.H.	4:22-cv-06751	Lieff Cabraser	Defense pick	10/10/2024
Clevenger, Laurel	4:22-cv-06457	Beasley Allen	Defense pick	10/10/2024
Smith, Leslie	4:23-cv-05632	Lieff Cabraser	Plaintiff pick	10/10/2024
Mullen, Nuala	4:23-cv-00600	SMVLC	Plaintiff pick	10/10/2024
Melton, David	4:22-cv-06627	Beasley Allen	Defense pick	10/18/2024
J.D.	4:22-cv-05987	Southern Med Law	Defense pick	10/18/2024
D'Orazio, Jessica	4:23-cv-03751	Lieff Cabraser	Plaintiff pick	10/18/2024
McNeal, Dymand	4:23-cv-01092	Levin Papantonio	Defense pick	10/18/2024
M.G.	4:24-cv-01983	The Carlson Law Firm	Plaintiff pick	11/4/2024

V. Non-Text Device Data Production

On October 28, 2024, the Parties submitted a Joint Stipulation Re Proposed Device Usage Data

1 Production Protocol and Order (“Protocol”) to the Court, which the Court granted. As of November 4,
 2 Plaintiffs have shipped hard drives containing inverse images of all Main Devices to Defendants’ ESI
 3 vendors.

4 **VI. Lost Devices**

5 On October 29, the Court issued an order concerning non-bellwether device imaging and
 6 preservation obligations. In accordance with that order, counsel for every non-bellwether Plaintiff that
 7 has filed a complaint as of the date of October 29, 2024 (whether in the MDL or the JCCP) will inform
 8 the MDL and JCCP Co-Lead Counsel of the date on which each of the non-bellwether Plaintiffs they
 9 represent was first directed by counsel to preserve relevant information for this litigation (using the table
 10 format provided at ECF No. 1286-1). The MDL and JCCP Co-Lead counsel shall compile the above
 11 tables and transmit a combined report of the tables received from non-bellwether Plaintiffs’ counsel to the
 12 Defendants on or before December 31, 2024. Plaintiffs’ counsel will also remind their clients not to sell,
 13 dispose, transfer, or factory reset their devices during the pendency of this litigation.

14 The parties are continuing to meet and confer regarding any corresponding relief that may be
 15 appropriate in *Clevenger* due to her performing a factory reset on her iPhone 13 in August 2024 after the
 16 Court ordered that Plaintiffs conduct a full file system extraction of all Main Devices.

17 **VII. Supplemental Status Reports**

18 The Parties will provide a Supplemental Status Report to the Court on November 14, 2024 unless
 19 the Court directs otherwise.

20
 21 Respectfully submitted,

22 DATED: November 7, 2024

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ATTESTATION

I, Andrea R. Pierson, hereby attest, pursuant to N.D. Cal. Civil L.R. 5-1, that the concurrence to the filing of this document has been obtained from each signatory hereto.

Dated: November 7, 2024

/s/ Andrea R. Pierson
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